

Court of Appeals, State of Michigan

ORDER

People of MI v Kevin Dwayne Williams

Docket No. 292751

LC No. 08-002114-01 FH

Patrick M. Meter
Presiding Judge

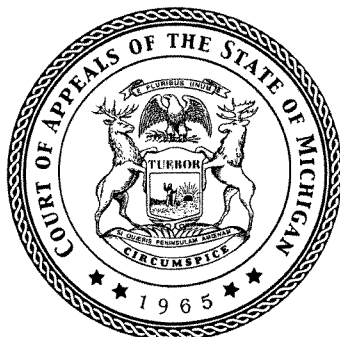
Peter D. O'Connell

Stephen L. Borrello
Judges

On the Court's own motion, the Clerk's Office is directed to docket defendant's delayed application for leave to appeal, filed on June 30, 2009, as having been timely filed within the deadline set forth in MCR 7.205(F) for an appeal of a judgment of sentence. *People v Means*, 480 Mich 989 (2007), *People v McCoy*, 480 Mich 989 (2007), *People of Rodgers*, 480 Mich 989 (2007), and *People v Kipfer*, 480 Mich 990 (2007).

Defendant's appellate attorney failed to file the application within 12 months of the June 27, 2008 judgment of sentence, which includes two extra days extended because of the weekend occurring at the end of the 12 month deadline. Counsel's inaction constitutes ineffective assistance of appellate counsel.

Accordingly, defendant was deprived of a direct appeal of his sentencing as a result of constitutionally ineffective assistance of appellate counsel. Costs are imposed against appellate counsel Rolf Berg (P26758) in the amount of \$250.00, to be paid to the Clerk of this Court within 21 days of the Clerk's certification of the order. This sanction is personal to the attorney and shall not be charged back to the county.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 15 2009
Date

Sandra Schultz Mengel
Chief Clerk